



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

DONNA A. CANFIELD  
Assistant Corporation Counsel  
Phone: (212) 356-2461  
Fax: (212) 356-2438  
dcanfiel@law.nyc.gov

May 2, 2022

**BY: ECF**

Honorable John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, New York 10007

Re: *Kaye v. NYC Health & Hospitals Corp. et al.*, 18-cv-12137 (JPC)(JLC)

Dear Judge Cronan:

I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants the New York City Health and Hospitals Corporation (“H+H”), Elizabeth Ford, Patricia Yang, Abhishek Jain, and Jonathan Wangel, in the above-referenced matter. I write to briefly respond to Plaintiff’s multiple submissions concerning her claim that Defendants have moved for summary judgment on an inoperative complaint.

As outlined in Defendants’ April 27, 2022 opposition, Plaintiff amended her complaint a second time without leave of Court and without serving Defendants. *See* ECF Dkt. No. 236. Indeed, instead of filing the First Amended Complaint attached to her May 2, 2019 letter application “to re-file the Amended Complaint” [*see* ECF Dkt. Nos. 25-1, 28] plaintiff filed a complaint different than the one she represented to the Court, a complaint different to what she had previously served on Defendant H+H, and a complaint completely different to the complaint she served on the individually-named Defendants. *See* ECF Dkt. Nos. 29. Owing to the fact that none of the Defendants were served with the First Amended Complaint attached to ECF Dkt. No. 29, the operative complaint in this matter is the First Amended Complaint filed at ECF Dkt. Nos. 22 and 25-1.

Accordingly, Defendants respectfully request that the Court deny Plaintiff’s application, and further deem Plaintiff’s First Amended Complaint filed as ECF Dkt. Nos. 22 and 25-1 as the operative complaint in this action.

Respectfully submitted,

**ECF** /s/

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cc: Special Hagan (by ECF)